

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 16, 2014

AMENDED IN ASSEMBLY JUNE 9, 2014

AMENDED IN SENATE MAY 1, 2014

SENATE BILL

No. 1467

Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Padilla, and Wyland)

March 25, 2014

An act to amend Sections 5000, 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, ~~7011.4~~, 7842, 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and to add Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1467, as amended, Committee on Business, Professions and Economic Development. Professions and vocations.

(1) Under existing law, the California Board of Accountancy licenses and regulates accountants. The board consists of 15 members, and of those the Governor is required to appoint 7 members who are licensees representing a cross section of the accounting profession with at least 2 members representing a small public professional firm, as defined. Existing law prohibits a person from engaging in the practice of public accountancy in this state unless he or she holds either a valid permit issued by the board or a practice privilege, as specified. Existing law requires an applicant for registration to furnish satisfactory evidence that the applicant is entitled to registration.

This bill would delete the requirement that 2 of the board members represent a small public professional firm. The bill would authorize the board to collect, but not require, a valid electronic mail address at the time of application for, or renewal of, a certified public accountant license. The bill would provide that these electronic mail addresses shall not be considered public records and would prohibit these electronic mail addresses from being disclosed pursuant to specified provisions of law, unless required pursuant to a court order.

Existing law sets forth education, examination, and experience requirements for a certified public accountant license, and requires an applicant to show, to the satisfaction of the board, that he or she has one year of qualifying experience, including any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. Existing law requires the experience to have been performed in accordance with applicable professional standards in order to qualify, and to be completed under the supervision or in the employ of a person licensed to engage in the practice of public accountancy, as specified.

This bill would authorize the board, by regulation, to allow experience in academia to satisfy the one-year requirement described above.

Existing law, until January 1, 2019, authorizes an individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state to engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license, if certain conditions are met. Existing law subjects an individual who holds a practice privilege to certain requirements, including, among others, that the individual shall notify the board of any pending criminal charges, other than a minor traffic violation, in any jurisdiction.

This bill would instead subject an individual holding and exercising a practice privilege in this state to the requirements described above. The bill would also require the individual to report the criminal charges described above to the board in writing within 30 days of the date the individual has knowledge of those charges.

Existing law, until January 1, 2019, authorizes the board to administratively suspend an individual's right to practice in this state under a practice privilege at any time by an order issued by the board or its executive officer, without prior notice or hearing, for the purpose of conducting a disciplinary investigation, proceeding, or inquiry concerning the representations made in the notice, the individual's

competence or qualifications to practice under practice privileges, failure to timely respond to a board inquiry or request for information or documents, or under other conditions and circumstances provided for by board regulation. Existing law, beginning January 1, 2019, additionally requires the board to consult the Public Company Accounting Oversight Board (PCAOB) and the United States Securities and Exchange Commission on an every 6-month basis to identify out-of-state licensees who may have disqualifying conditions, or may be obliged to cease practice, and to disclose whether those out-of-state licensees are lawfully permitted to exercise the privilege. Existing law provides that disclosure of this information is not to be considered discipline.

This bill would instead require the board to consult with the PCAOB and the United States Securities and Exchange Commission at least once every 6 months, as specified, until January 1, 2019, and would delete those provisions after that date.

This bill would make technical, nonsubstantive changes, and would delete an obsolete provision.

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified.

This bill would require all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas, ~~and all public school facilities~~, to be prepared by, or under the responsible charge of, *a licensed architect holding a valid certificate or* a licensed civil engineer who is also licensed as a structural engineer. *The bill would require that all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer.*

Existing law requires an applicant for registration as a professional engineer, among other things, to furnish evidence of 6 years or more of qualifying experience in engineering work, as specified, and to successfully pass the second division of the licensure examination. Existing law authorizes the board to issue a certificate of registration as a professional engineer, without a written examination, to a person

holding a certificate of registration issued by another state or country if the applicant's qualifications meet the requirements of the act. For purposes of these provisions, the act requires equivalent second division examinations to be 8-hour written examinations prepared or administered by a state or territory, as specified.

This bill would delete the requirement that an equivalent second division examination be an 8-hour examination.

~~(3) Under the Contractors' State License Law, the Contractors' State License Board licenses and regulates contractors. Under existing law, there is within the board a separate enforcement division that is required to rigorously enforce the act. Existing law specifies that persons employed as enforcement representatives in this division, and designated by the Director of Consumer Affairs, are not peace officers and are not entitled to safety member retirement benefits.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

~~(4)~~

(3) Under the Geologist and Geophysicist Act, the Board for Professional Engineers, Land Surveyors, and Geologists registers and regulates professional geologists and professional geophysicists and certifies applicants in specialties in geology and geologists-in-training. Existing law requires an applicant seeking certification as a petroleum geologist to meet certain requirements including, among other things, having performed a minimum of 3 years of professional geological work under the supervision of a registered petroleum engineer.

This bill would delete the provisions relating to petroleum geologists described above. The bill would also make technical, nonsubstantive changes to one of these provisions.

Existing law, under the Geologist and Geophysicist Act, sets forth procedures for the discipline of a registrant or certificate holder, as specified, subject to provisions governing administrative proceedings.

This bill would set forth additional procedures that would apply to a registrant or certificate holder who has been subject to discipline and who petitions the board for reinstatement or modification of penalty, as specified.

~~(5)~~

(4) Existing law, the Professional Land Surveyors' Act, provides for the licensing and regulation of professional land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The act requires that land survey monuments be set sufficient in number and

durability and efficiently placed so as not to be readily disturbed and to ~~assure~~ *ensure* the perpetuation or easy reestablishment of a survey point or line. The act makes a violation of its provisions a misdemeanor.

The Professional Engineers Act provides for the licensing and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. The act states the intent of the Legislature that the act's registration requirements that are imposed on private professional engineers are also imposed on public entities and requires that at least one registered engineer be designated the person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county. The act makes a violation of its provisions a misdemeanor.

This bill would require that at least one person authorized to practice land surveying be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district. The bill would revise nomenclature associated with actions that affect land survey monuments. The bill would require that the governmental agency performing or permitting construction or maintenance work be responsible for ensuring that the landowner or governmental agency performing the work provides for monument perpetuation. The bill would require that the designated person in responsible charge of professional engineering work for a governmental entity, pursuant to the Professional Engineers Act, be responsible for the requirements associated with monuments under the Professional Land Surveyors' Act, as described above. By creating new duties for local officials and expanding the definition of a crime, the bill would impose a state-mandated local program.

(6)

(5) Existing law requires a person transacting business in the state under a fictitious name, as defined, to file, with the county clerk of the county where the business is located, a statement including specified information and to declare that the information is true and correct. Existing law requires that a registrant or an agent filing on behalf of a registrant present a California driver's license or other personal government identification acceptable to the county clerk to adequately determine the registrant's identity or agent's identity, as specified. Existing law authorizes the county clerk to require the registrant to complete and sign an affidavit of identity statement on a form prescribed

by the county clerk, and to require an agent submitting the filings on behalf of a registrant to also complete and sign an affidavit of identity statement declaring that the registrant has authorized the agent to make the filings on behalf of the registrant. Existing law requires a registrant that is a corporation, limited liability company, or limited liability partnership, and that is required by the county clerk to file an affidavit of identity statement, to submit with its affidavit a certificate of status issued by the Secretary of State certifying to that business entity's existence and good standing.

This bill would instead authorize the county clerk to require a registrant that is a corporation, limited partnership, limited liability company, or limited liability partnership to submit documentary evidence issued by the Secretary of State indicating the current existence and good standing of that business entity, deemed acceptable by the county clerk, with a notarized affidavit of identity. The bill would further authorize the county clerk to require an agent filing on behalf of the registrant to submit a notarized statement signed by the registrant declaring the registrant has authorized the agent to submit the filing. The bill would also make clarifying changes to these provisions.

(7)

(6) Existing law defines and regulates the activities of professional photocopiers, as defined. Existing law requires a professional photocopier to be registered by the county clerk, and provides that a certificate of registration is effective for a 2-year period. Existing law also requires at least one person involved in the management of a professional photocopier to be a licensed notary public. Failure to comply with these provisions is a misdemeanor.

This bill would require the notary commission to remain valid during the 2-year period that the professional photocopier's certificate of registration is effective. The bill would also require the registrant to notify the county clerk and provide an updated valid notary commission if the commission expires prior to the expiration of the certificate of registration. By expanding a crime, the bill would create a state-mandated local program.

(8)

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(9)

(8) Existing constitutional provisions require that a statute that limits the right of access to meetings of public bodies or the writings of public officials and agencies be adopted with findings and declarations demonstrating the interest protected by that limitation and the need for protecting that interest.

This bill would make a legislative finding and declaration relating to the necessity of treating as confidential electronic mail addresses provided to the California Board of Accountancy in order to protect the privacy of those individuals applying for a certified public accountant license.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that in order
2 to protect the privacy of those individuals applying for a certified
3 public accountant license, it is necessary that electronic mail
4 addresses provided to the California Board of Accountancy
5 pursuant to Sections ~~2 and 3~~ and 4 of this act be confidential.
6 SEC. 2. Section 5000 of the Business and Professions Code is
7 amended to read:
8 5000. (a) There is in the Department of Consumer Affairs the
9 California Board of Accountancy, which consists of 15 members,
10 7 of whom shall be licensees, and 8 of whom shall be public
11 members who shall not be licentiates of the board or registered by
12 the board. The board has the powers and duties conferred by this
13 chapter.
14 (b) The Governor shall appoint four of the public members, and
15 the seven licensee members as provided in this section. The Senate
16 Committee on Rules and the Speaker of the Assembly shall each
17 appoint two public members. In appointing the seven licensee
18 members, the Governor shall appoint individuals representing a
19 cross section of the accounting profession.

1 (c) This section shall remain in effect only until January 1, 2016,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2016, deletes or extends that date.

4 (d) Notwithstanding any other provision of law, the repeal of
5 this section renders the board subject to review by the appropriate
6 policy committees of the Legislature. However, the review of the
7 board shall be limited to reports or studies specified in this chapter
8 and those issues identified by the appropriate policy committees
9 of the Legislature and the board regarding the implementation of
10 new licensing requirements.

11 SEC. 3. Section 5070 of the Business and Professions Code is
12 amended to read:

13 5070. (a) Permits to engage in the practice of public
14 accountancy in this state shall be issued by the board only to
15 holders of the certificate of certified public accountant issued under
16 this chapter and to those partnerships, corporations, and other
17 persons who, upon application approved by the board, are
18 registered with the board under this chapter. Notwithstanding any
19 other law, the board may register an entity organized and authorized
20 to practice public accountancy under the laws of another state for
21 the purpose of allowing that entity to satisfy the registration
22 requirement set forth in Section 5096.12, if (1) the certified public
23 accountants providing services in California qualify for the practice
24 privilege, and (2) the entity satisfies all other requirements to
25 register in this state, other than its form of legal organization.

26 (b) All applicants for registration shall furnish satisfactory
27 evidence that the applicant is entitled to registration and shall pay
28 the fee as provided in Article 8 (commencing with Section 5130).
29 Every partnership, corporation, and other person to whom a permit
30 is issued shall, in addition to any other fee that may be payable,
31 pay the initial permit fee provided in Article 8 (commencing with
32 Section 5130).

33 (c) The board may collect, but shall not require, a valid
34 electronic mail address at the time of application for a certified
35 public accountant license. In the interest of protecting an
36 applicant's privacy, the electronic mail address shall not be
37 considered a public record and shall not be disclosed pursuant to
38 Section 27 or pursuant to a request under the California Public
39 Records Act (Chapter 3.5 (commencing with Section 6250) of

1 Division 7 of Title 1 of the Government Code), unless required
2 pursuant to a court order by a court of competent jurisdiction.

3 (d) Each partnership, corporation, and other person issued a
4 permit by the board to practice as a certified public accountant or
5 as a public accountant shall be furnished with a suitable certificate
6 evidencing that registration.

7 SEC. 4. Section 5070.5 of the Business and Professions Code
8 is amended to read:

9 5070.5. (a) (1) A permit issued under this chapter to a certified
10 public accountant or a public accountant expires at 12 midnight
11 on the last day of the month of the legal birthday of the licensee
12 during the second year of a two-year term if not renewed.

13 (2) To renew an unexpired permit, a permitholder shall, before
14 the time at which the permit would otherwise expire, apply for
15 renewal on a form prescribed by the board, pay the renewal fee
16 prescribed by this chapter, and give evidence satisfactory to the
17 board that he or she has complied with the continuing education
18 provisions of this chapter.

19 (3) The board may collect, but shall not require, a valid
20 electronic mail address on the renewal form described in paragraph
21 (1). In the interest of protecting an applicant's privacy, the
22 electronic mail address shall not be considered a public record and
23 shall not be disclosed pursuant to Section 27 or pursuant to a
24 request under the California Public Records Act (Chapter 3.5
25 (commencing with Section 6250) of Division 7 of Title 1 of the
26 Government Code), unless required pursuant to a court order by
27 a court of competent jurisdiction.

28 (b) A permit to practice as an accountancy partnership or an
29 accountancy corporation expires at 12 midnight on the last day of
30 the month in which the permit was initially issued during the
31 second year of a two-year term if not renewed. To renew an
32 unexpired permit, the permitholder shall, before the time at which
33 the permit would otherwise expire, apply for renewal on a form
34 prescribed by the board, pay the renewal fee prescribed by this
35 chapter, and provide evidence satisfactory to the board that the
36 accountancy partnership or accountancy corporation is in
37 compliance with this chapter.

38 SEC. 5. Section 5093 of the Business and Professions Code is
39 amended to read:

1 5093. (a) To qualify for the certified public accountant license,
2 an applicant who is applying under this section shall meet the
3 education, examination, and experience requirements specified in
4 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to
5 this article. The board may adopt regulations as necessary to
6 implement this section.

7 (b) (1) An applicant for admission to the certified public
8 accountant examination under this section shall present satisfactory
9 evidence that the applicant has completed a baccalaureate or higher
10 degree conferred by a degree-granting university, college, or other
11 institution of learning accredited by a regional or national
12 accrediting agency included in a list of these agencies published
13 by the United States Secretary of Education under the requirements
14 of the federal Higher Education Act of 1965 as amended (20 U.S.C.
15 Sec. 1001 et seq.), or meeting, at a minimum, the standards
16 described in subdivision (c) of Section 5094. The total educational
17 program shall include a minimum of 24 semester units in
18 accounting subjects and 24 semester units in business-related
19 subjects. This evidence shall be provided at the time of application
20 for admission to the examination, except that an applicant who
21 applied, qualified, and sat for at least two subjects of the
22 examination for the certified public accountant license before May
23 15, 2002, may provide this evidence at the time of application for
24 licensure.

25 (A) An applicant enrolled in a program at an institution as
26 described in this paragraph that grants conferral of a baccalaureate
27 degree upon completion of the 150 semester units required by
28 paragraph (2) of this subdivision may satisfy the requirements of
29 this paragraph if the applicant's institution mails the applicant's
30 official transcript or its equivalent together or separately with a
31 letter signed by the institution's registrar, or its equivalent, directly
32 to the board pursuant to subdivision (c) of Section 5094. The letter
33 shall include all of the following:

34 (i) A statement that the applicant is enrolled and in good
35 standing in a program that will result in the conferral of a
36 baccalaureate degree upon completion of either a master's degree
37 or the 150 semester units required by paragraph (2) of this
38 subdivision.

39 (ii) A statement that the applicant has completed all
40 requirements, including general education and elective

1 requirements, for a baccalaureate degree and the only reason the
2 college or university has yet to confer the degree is because the
3 applicant is enrolled in a program that confers a baccalaureate
4 degree upon completion of either a master's degree or the 150
5 semester units required by paragraph (2) of this subdivision.

6 (iii) The date on which the applicant met all of the college's or
7 university's requirements for conferral of a baccalaureate degree.

8 (B) The total educational program for an applicant described in
9 subparagraph (A) shall include a minimum of 24 semester units
10 in accounting subjects and 24 semester units in business-related
11 subjects. This evidence shall be provided at the time of application
12 for admission to the examination, except that an applicant who
13 applied, qualified, and sat for at least two subjects of the
14 examination for the certified public accountant license before May
15 15, 2002, may provide this evidence at the time of application for
16 licensure.

17 (2) An applicant for issuance of the certified public accountant
18 license under this section shall present satisfactory evidence that
19 the applicant has completed at least 150 semester units of college
20 education, including a baccalaureate or higher degree conferred
21 by a college or university, meeting, at a minimum, the standards
22 described in Section 5094, the total educational program to include
23 a minimum of 24 semester units in accounting subjects, 24 semester
24 units in business-related subjects, and, after December 31, 2013,
25 shall also include a minimum of 10 units of ethics study consistent
26 with the requirements set forth in Section 5094.3 and 20 units of
27 accounting study consistent with the regulations promulgated under
28 subdivision (c) of Section 5094.6. This evidence shall be presented
29 at the time of application for the certified public accountant license.
30 Nothing in this paragraph shall be deemed inconsistent with Section
31 5094 or 5094.6. Nothing in this paragraph shall be construed to
32 be inconsistent with prevailing academic practice regarding the
33 completion of units.

34 (c) An applicant for the certified public accountant license shall
35 pass an examination prescribed by the board.

36 (d) (1) The applicant shall show, to the satisfaction of the board,
37 that the applicant has had one year of qualifying experience. This
38 experience may include providing any type of service or advice
39 involving the use of accounting, attest, compilation, management
40 advisory, financial advisory, tax, or consulting skills.

(2) To be qualifying under this section, experience shall have been performed in accordance with applicable professional standards. Experience in public accounting shall be completed under the supervision or in the employ of a person licensed or otherwise having comparable authority under the laws of any state or country to engage in the practice of public accountancy. Experience in private or governmental accounting or auditing shall be completed under the supervision of an individual licensed by a state to engage in the practice of public accountancy.

(3) Notwithstanding paragraph (2), the board may, by regulation, allow experience in academia to be qualifying under this section.

(e) Applicants completing education at a college or university located outside of this state, meeting, at a minimum, the standards described in Section 5094, shall be deemed to meet the educational requirements of this section if the board determines that the education is substantially equivalent to the standards of education specified under this chapter.

(f) An applicant who has successfully passed the examination requirement specified under Section 5082 on or before December 31, 2013, may qualify for the certified public accountant license without satisfying the 10 semester units of study set forth in Section 5094.3 or 20 semester units of accounting study consistent with the regulations promulgated under Section 5094.6, if the applicant completes all other requirements for the issuance of a license on or before December 31, 2015.

SEC. 6. Section 5096 of the Business and Professions Code, as amended by Section 3 of Chapter 319 of the Statutes of 2013, is amended to read:

5096. (a) An individual whose principal place of business is not in this state and who has a valid and current license, certificate, or permit to practice public accountancy from another state may, subject to the conditions and limitations in this article, engage in the practice of public accountancy in this state under a practice privilege without obtaining a certificate or license under this chapter if the individual satisfies one of the following:

(1) The individual has continually practiced public accountancy as a certified public accountant under a valid license issued by any state for at least 4 of the last 10 years.

(2) The individual has a license, certificate, or permit from a state that has been determined by the board to have education,

1 examination, and experience qualifications for licensure
2 substantially equivalent to this state's qualifications under Section
3 5093.

4 (3) The individual possesses education, examination, and
5 experience qualifications for licensure that have been determined
6 by the board to be substantially equivalent to this state's
7 qualifications under Section 5093.

8 (b) The board may designate states as substantially equivalent
9 under paragraph (2) of subdivision (a) and may accept individual
10 qualification evaluations or appraisals conducted by designated
11 entities, as satisfying the requirements of paragraph (3) of
12 subdivision (a).

13 (c) An individual who qualifies for the practice privilege under
14 this section may engage in the practice of public accountancy in
15 this state, and a notice, fee, or other requirement shall not be
16 imposed on that individual by the board.

17 (d) An individual who qualifies for the practice privilege under
18 this section may perform the following services only through a
19 firm of certified public accountants that has obtained a registration
20 from the board pursuant to Section 5096.12:

21 (1) An audit or review of a financial statement for an entity
22 headquartered in California.

23 (2) A compilation of a financial statement when that person
24 expects, or reasonably might expect, that a third party will use the
25 financial statement and the compilation report does not disclose a
26 lack of independence for an entity headquartered in California.

27 (3) An examination of prospective financial information for an
28 entity headquartered in California.

29 (e) An individual who holds a practice privilege under this
30 article, and is exercising the practice privilege in California:

31 (1) Is subject to the personal and subject matter jurisdiction and
32 disciplinary authority of the board and the courts of this state.

33 (2) Shall comply with the provisions of this chapter, board
34 regulations, and other laws, regulations, and professional standards
35 applicable to the practice of public accountancy by the licensees
36 of this state and to any other laws and regulations applicable to
37 individuals practicing under practice privileges in this state, except
38 the individual is deemed, solely for the purpose of this article, to
39 have met the continuing education requirements and ethics
40 examination requirements of this state when the individual has

1 met the examination and continuing education requirements of the
2 state in which the individual holds the valid license, certificate, or
3 permit on which the substantial equivalency is based.

4 (3) Shall not provide public accountancy services in this state
5 from any office located in this state, except as an employee of a
6 firm registered in this state. This paragraph does not apply to public
7 accountancy services provided to a client at the client's place of
8 business or residence.

9 (4) Is deemed to have appointed the regulatory agency of the
10 state that issued the individual's certificate, license, or permit upon
11 which substantial equivalency is based as the individual's agent
12 on whom notices, subpoenas, or other process may be served in
13 any action or proceeding by the board against the individual.

14 (5) Shall cooperate with any board investigation or inquiry and
15 shall timely respond to a board investigation, inquiry, request,
16 notice, demand, or subpoena for information or documents and
17 timely provide to the board the identified information and
18 documents.

19 (6) Shall cease exercising the practice privilege in this state if
20 the regulatory agency in the state in which the individual's
21 certificate, license, or permit was issued takes disciplinary action
22 resulting in the suspension or revocation, including stayed
23 suspension, stayed revocation, or probation of the individual's
24 certificate, license, or permit, or takes other disciplinary action
25 against the individual's certificate, license, or permit that arises
26 from any of the following:

27 (A) Gross negligence, recklessness, or intentional wrongdoing
28 relating to the practice of public accountancy.

29 (B) Fraud or misappropriation of funds.

30 (C) Preparation, publication, or dissemination of false,
31 fraudulent, or materially incomplete or misleading financial
32 statements, reports, or information.

33 (7) Shall cease exercising the practice privilege in this state if
34 convicted in any jurisdiction of any crime involving dishonesty,
35 including, but not limited to, embezzlement, theft, misappropriation
36 of funds or property, or obtaining money, property, or other
37 valuable consideration by fraudulent means or false pretenses.

38 (8) Shall cease exercising the practice privilege if the United
39 States Securities and Exchange Commission or the Public Company

1 Accounting Oversight Board bars the individual from practicing
2 before them.

3 (9) Shall cease exercising the practice privilege if any
4 governmental body or agency suspends the right of the individual
5 to practice before the body or agency.

6 (10) Shall report to the board in writing any pending criminal
7 charges, other than for a minor traffic violation, in any jurisdiction
8 within 30 days of the date the individual has knowledge of those
9 charges.

10 (f) An individual who is required to cease practice pursuant to
11 paragraphs (6) to (9), inclusive, of subdivision (e) shall notify the
12 board within 15 calendar days, on a form prescribed by the board,
13 and shall not practice public accountancy in this state pursuant to
14 this section until he or she has received from the board written
15 permission to do so.

16 (g) An individual who fails to cease practice as required by
17 subdivision (e) or who fails to provide the notice required by
18 subdivision (f) shall be subject to the personal and subject matter
19 jurisdiction and disciplinary authority of the board as if the practice
20 privilege were a license and the individual were a licensee. An
21 individual in violation of subdivision (e) or (f) shall, for a minimum
22 of one year from the date the board learns there has been a violation
23 of subdivision (e) or (f), not practice in this state and shall not have
24 the possibility of reinstatement during that period. If the board
25 determines that the failure to cease practice or provide the notice
26 was intentional, that individual's practice privilege shall be revoked
27 and there shall be no possibility of reinstatement for a minimum
28 of two years.

29 (h) The board shall require an individual who provides notice
30 to the board pursuant to subdivision (f) to cease the practice of
31 public accountancy in this state until the board provides the
32 individual with written permission to resume the practice of public
33 accountancy in this state.

34 (i) (1) An individual to whom, within the last seven years
35 immediately preceding the date on which he or she wishes to
36 practice in this state, any of the following criteria apply, shall notify
37 the board, on a form prescribed by the board, and shall not practice
38 public accountancy in this state pursuant to this section until the
39 board provides the individual with written permission to do so:

1 (A) He or she has been the subject of any final disciplinary
2 action by the licensing or disciplinary authority of any other
3 jurisdiction with respect to any professional license or has any
4 charges of professional misconduct pending against him or her in
5 any other jurisdiction.

6 (B) He or she has had his or her license in another jurisdiction
7 reinstated after a suspension or revocation of the license.

8 (C) He or she has been denied issuance or renewal of a
9 professional license or certificate in any other jurisdiction for any
10 reason other than an inadvertent administrative error.

11 (D) He or she has been convicted of a crime or is subject to
12 pending criminal charges in any jurisdiction other than a minor
13 traffic violation.

14 (E) He or she has otherwise acquired a disqualifying condition
15 as described in subdivision (a) of Section 5096.2.

16 (2) An individual who fails to cease practice as required by
17 subdivision (e) or who fails to provide the notice required by
18 paragraph (1) shall be subject to the personal and subject matter
19 jurisdiction and disciplinary authority of the board as if the practice
20 privilege were a license and the individual were a licensee. An
21 individual in violation of subdivision (e) or paragraph (1) shall,
22 for a minimum of one year from the date the board knows there
23 has been a violation of subdivision (e) or paragraph (1), not practice
24 in this state and shall not have the possibility of reinstatement
25 during that period. If the board determines that the failure to cease
26 practice or provide the notice was intentional, that individual shall
27 be prohibited from practicing in this state in the same manner as
28 if a licensee has his or her practice privilege revoked and there
29 shall be no possibility of reinstatement for a minimum of two years.

30 (j) This section shall remain in effect only until January 1, 2019,
31 and as of that date is repealed, unless a later enacted statute, that
32 is enacted before January 1, 2019, deletes or extends that date.

33 SEC. 7. Section 5096.4 of the Business and Professions Code,
34 as added by Section 20 of Chapter 411 of the Statutes of 2012, is
35 amended to read:

36 5096.4. (a) The right of an individual to practice in this state
37 under a practice privilege may be administratively suspended at
38 any time by an order issued by the board or its executive officer,
39 without prior notice or hearing, for the purpose of conducting a
40 disciplinary investigation, proceeding, or inquiry concerning the

1 individual's competence or qualifications to practice under practice
2 privileges, failure to timely respond to a board inquiry or request
3 for information or documents, or under other conditions and
4 circumstances provided for by board regulation. The board shall
5 consult the Public Company Accounting Oversight Board and the
6 United States Securities and Exchange Commission at least once
7 every six months to identify out-of-state licensees who may have
8 disqualifying conditions or who may be obliged to cease practice,
9 and shall disclose, pursuant to this subdivision, whether those
10 out-of-state licensees are lawfully permitted to exercise the
11 privilege. Disclosure of this information shall not be considered
12 discipline.

13 (b) The administrative suspension order is immediately effective
14 when mailed to the individual's address of record or agent for
15 notice and service as provided for in this article.

16 (c) The administrative suspension order shall contain the
17 following:

18 (1) The reason for the suspension.

19 (2) A statement that the individual has the right, within 30 days,
20 to appeal the administrative suspension order and request a hearing.

21 (3) A statement that any appeal hearing will be conducted under
22 the provisions of the Administrative Procedure Act (Chapter 3.5
23 (commencing with Section 11340) of Part 1 of Division 3 of Title
24 2 of the Government Code) applicable to individuals who are
25 denied licensure, including the filing of a statement of issues by
26 the board setting forth the reasons for the administrative suspension
27 of practice privileges and specifying the statutes and rules with
28 which the individual must show compliance by producing proof
29 at the hearing and in addition any particular matters that have come
30 to the attention of the board and that would authorize the
31 administrative suspension, or the revocation of practice privileges.

32 (d) The burden is on the holder of the suspended practice
33 privilege to establish both qualification and fitness to practice
34 under practice privileges.

35 (e) The administrative suspension shall continue in effect until
36 terminated by an order of the board or the executive officer.

37 (f) Administrative suspension is not discipline and shall not
38 preclude any individual from applying for a license to practice
39 public accountancy in this state.

1 (g) Proceedings to appeal an administrative suspension order
2 may be combined or coordinated with proceedings for revocation
3 or discipline of a practice privilege.

4 (h) This section shall become operative on July 1, 2013.

5 (i) This section shall remain in effect only until January 1, 2019,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2019, deletes or extends that date.

8 SEC. 8. Section 5096.4 of the Business and Professions Code,
9 as added by Section 21 of Chapter 411 of the Statutes of 2012, is
10 amended to read:

11 5096.4. (a) The right of an individual to practice in this state
12 under a practice privilege may be administratively suspended at
13 any time by an order issued by the board or its executive officer,
14 without prior notice or hearing, for the purpose of conducting a
15 disciplinary investigation, proceeding, or inquiry concerning the
16 representations made in the notice, the individual's competence
17 or qualifications to practice under practice privileges, failure to
18 timely respond to a board inquiry or request for information or
19 documents, or under other conditions and circumstances provided
20 for by board regulation.

21 (b) The administrative suspension order is immediately effective
22 when mailed to the individual's address of record or agent for
23 notice and service as provided for in this article.

24 (c) The administrative suspension order shall contain the
25 following:

26 (1) The reason for the suspension.

27 (2) A statement that the individual has the right, within 30 days,
28 to appeal the administrative suspension order and request a hearing.

29 (3) A statement that any appeal hearing will be conducted under
30 the Administrative Procedure Act (Chapter 3.5 (commencing with
31 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
32 Code) applicable to individuals who are denied licensure, including
33 the filing of a statement of issues by the board setting forth the
34 reasons for the administrative suspension of practice privileges
35 and specifying the statutes and rules with which the individual
36 must show compliance by producing proof at the hearing and in
37 addition any particular matters that have come to the attention of
38 the board and that would authorize the administrative suspension,
39 or the denial of practice privileges.

1 (d) The burden is on the holder of the suspended practice
2 privilege to establish both qualification and fitness to practice
3 under practice privileges.

4 (e) The administrative suspension shall continue in effect until
5 terminated by an order of the board or the executive officer or
6 expiration of the practice privilege under administrative suspension.

7 (f) Administrative suspension is not discipline and shall not
8 preclude any individual from applying for a license to practice
9 public accountancy in this state or from applying for a new practice
10 privilege upon expiration of the one under administrative
11 suspension, except that the new practice privilege shall not be
12 effective until approved by the board.

13 (g) Notwithstanding any administrative suspension, a practice
14 privilege expires one year from the date of notice unless a shorter
15 period is set by board regulation.

16 (h) Proceedings to appeal an administrative suspension order
17 may be combined or coordinated with proceedings for denial or
18 discipline of a practice privilege.

19 (i) This section shall become operative on January 1, 2019.

20 SEC. 9. Section 6730.2 of the Business and Professions Code
21 is amended to read:

22 6730.2. (a) It is the intent of the Legislature that the ~~registration~~
23 *licensure* requirements that are imposed upon private sector
24 professional engineers and engineering partnerships, firms, or
25 corporations shall be imposed upon the state and any city, county,
26 or city and county that shall adhere to those requirements.
27 Therefore, for the purposes of Section 6730 and this chapter, at
28 least one ~~registered~~ *licensed* engineer shall be designated the person
29 in responsible charge of professional engineering work for each
30 branch of professional engineering practiced in any department or
31 agency of the state, city, county, or city and county.

32 (b) Any department or agency of the state or any city, county,
33 or city and county that has an ~~unregistered~~ *unlicensed* person in
34 responsible charge of *civil* engineering work on January 1, 1985,
35 shall be exempt from this requirement until that time as the person
36 currently in responsible charge is replaced.

37 (c) The designated person in responsible charge of professional
38 engineering work of any department or agency of the state, city,
39 county, city and county, district, or special district pursuant to this

1 section is responsible for ~~ensuring~~ compliance with subdivisions
2 (b) and (c) of Section 8771.

3 SEC. 10. Section 6735 of the Business and Professions Code
4 is amended to read:

5 6735. (a) All civil (including structural and geotechnical)
6 engineering plans, calculations, specifications, and reports
7 (hereinafter referred to as “documents”) shall be prepared by, or
8 under the responsible charge of, a licensed civil engineer and shall
9 include his or her name and license number. Interim documents
10 shall include a notation as to the intended purpose of the document,
11 such as “preliminary,” “not for construction,” “for plan check
12 only,” or “for review only.” All civil engineering plans and
13 specifications that are permitted or that are to be released for
14 construction shall bear the signature and seal or stamp of the
15 licensee and the date of signing and sealing or stamping. All final
16 civil engineering calculations and reports shall bear the signature
17 and seal or stamp of the licensee, and the date of signing and
18 sealing or stamping. If civil engineering plans are required to be
19 signed and sealed or stamped and have multiple sheets, the
20 signature, seal or stamp, and date of signing and sealing or
21 stamping shall appear on each sheet of the plans. If civil
22 engineering specifications, calculations, and reports are required
23 to be signed and sealed or stamped and have multiple pages, the
24 signature, seal or stamp, and date of signing and sealing or
25 stamping shall appear at a minimum on the title sheet, cover sheet,
26 or signature sheet.

27 (b) (1) All civil engineering plans, calculations, specifications,
28 and reports for the construction of ~~the following~~ structures
29 *described in paragraph (2)* shall be prepared by, or under the
30 responsible charge of, a licensed *architect holding a valid*
31 *certificate under Chapter 3 (commencing with Section 5500) or a*
32 *licensed civil engineer who is also licensed as a structural engineer*
33 *in accordance with Section ~~6736~~ 6736.*

34 (2) *All public school facilities, as provided under Chapter 3*
35 *(commencing with Section 17251) of Part 10.5 of Division 1 of*
36 *Title 1 of the Education Code.*

37 (c) (1) *All civil engineering plans, calculations, specifications,*
38 *and reports for the construction of the structures described in*
39 *paragraph (2) shall be prepared by, or under the responsible*

1 *charge of, a licensed civil engineer who is also licensed as a*
2 *structural engineer in accordance with Section 6736.*

3 ~~(1)~~

4 (2) Hospitals and other medical facilities having surgery and
5 emergency treatment areas, as provided under Part 7 (commencing
6 with Section 129675) of Division 107 of the Health and Safety
7 Code.

8 ~~(2) All public school facilities, as provided under Chapter 3~~
9 ~~(commencing with Section 17251) of Part 10.5 of Division 1 of~~
10 ~~Title 1 of the Education Code.~~

11 ~~(e)~~

12 (d) Notwithstanding subdivision (a) or (b), a licensed civil
13 engineer who signs civil engineering documents shall not be
14 responsible for damage caused by subsequent changes to or uses
15 of those documents, if the subsequent changes or uses, including
16 changes or uses made by state or local governmental agencies, are
17 not authorized or approved by the licensed civil engineer who
18 originally signed the documents, provided that the engineering
19 service rendered by the civil engineer who signed the documents
20 was not also a proximate cause of the damage.

21 SEC. 11. Section 6759 of the Business and Professions Code
22 is amended to read:

23 6759. The board, upon application therefor, on its prescribed
24 form, and the payment of the fee fixed by this chapter, may issue
25 a certificate of registration as a professional engineer, without
26 written examination, to any person holding a certificate of
27 registration issued to him or her by any state or country when the
28 applicant's qualifications meet the requirements of this chapter
29 and rules established by the board. The board shall not require a
30 comity applicant to meet any requirement not required of California
31 applicants. For purposes of this section, equivalent second division
32 examinations shall be written examinations prepared by or
33 administered by a state or territory either by single or combined
34 branch at the level generally administered by the board to persons
35 who passed or were exempted from the first division examination.
36 Applicants who have passed an equivalent second division
37 combined branch or a single branch examination in a branch not
38 recognized for registration in California shall be registered in the
39 branch in which their experience and education indicate the closest
40 relationship.

~~SEC. 12. Section 7011.4 of the Business and Professions Code is amended to read:~~

~~7011.4. (a) Notwithstanding Section 7011, there is in the Contractors' State License Board, a separate enforcement division that shall rigorously enforce this chapter prohibiting all forms of unlicensed activity.~~

~~(b) Persons employed as enforcement representatives of the Contractors' State License Board and designated by the Director of Consumer Affairs shall have the authority to issue a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. An employee so designated is not a peace officer and is not entitled to safety member retirement benefits as a result of that designation. He or she does not have the power of arrest.~~

~~SEC. 13.~~

SEC. 12. Section 7842 of the Business and Professions Code is amended to read:

7842. An applicant for certification in a specialty in geology shall meet all of the requirements of Section 7841 and, in addition, his or her seven years of professional geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geologist certified in the specialty for which the applicant is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist.

(b) A minimum of five years' experience in responsible charge of professional geological work in the specialty for which the applicant is seeking certification.

~~SEC. 14.~~

SEC. 13. Section 7860 of the Business and Professions Code is amended to read:

7860. (a) The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any professional geologist or geophysicist, and make findings thereon.

(b) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any geologist or geophysicist registered hereunder, on any of the following grounds:

(1) Conviction of a crime substantially related to the qualifications, functions, or duties of a geologist or geophysicist.

(2) Misrepresentation, fraud, or deceit by a geologist or geophysicist in his or her practice.

(3) Negligence or incompetence by a geologist or geophysicist in his or her practice.

(4) Violation of any contract undertaken in the capacity of a geologist or geophysicist.

(5) Fraud or deceit in obtaining a certificate to practice as a geologist or geophysicist.

(c) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered under this chapter, for unprofessional conduct. Unprofessional conduct includes, but is not limited to, any of the following:

(1) Aiding or abetting any person in a violation of this chapter or any regulation adopted by the board pursuant to this chapter.

(2) Violating this chapter or any regulation adopted by the board pursuant to this chapter.

(3) Conduct in the course of practice as a geologist or geophysicist that violates professional standards adopted by the board.

~~SEC. 15.~~

SEC. 14. Section 7864 is added to the Business and Professions Code, to read:

7864. (a) A petitioner may petition the board for reinstatement or modification of penalty, including reduction, modification, or termination of probation, after the following minimum periods have elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board or any portion of it is stayed by a court, from the date the disciplinary action is actually implemented in its entirety:

(1) Except as otherwise provided in this section, at least three years for reinstatement of a certificate that was revoked or surrendered. However, the board may, in its sole discretion, specify

1 in its order of revocation or surrender a lesser period of time that
2 shall be at a minimum of one year.

3 (2) At least two years for early termination of a probation period
4 of three years or more.

5 (3) At least one year for early termination of a probation period
6 of less than three years.

7 (4) At least one year for reduction or modification of a condition
8 of probation.

9 (b) The board shall notify the Attorney General of the filing of
10 the petition. The petitioner and the Attorney General shall be given
11 timely notice by letter of the time and place of the hearing on the
12 petition, and the petitioner and the Attorney General shall be given
13 the opportunity to present both oral and documentary evidence
14 and argument to the board. The petitioner shall at all times have
15 the burden of proof to establish by clear and convincing evidence
16 that he or she is entitled to the relief sought in the petition.

17 (c) The board itself or an administrative law judge, if one is
18 designated by the board, shall hear the petition and shall prepare
19 a written decision setting forth the reasons supporting the decision.

20 (d) The board may grant or deny the petition or may impose
21 any terms and conditions that it reasonably deems appropriate as
22 a condition of reinstatement or reduction or modification of the
23 penalty.

24 (e) A petition shall not be considered while the petitioner is
25 under sentence for any criminal offense, including any period
26 during which the petitioner is on court-imposed probation or parole.
27 A petition shall not be considered while there is an accusation or
28 petition to revoke probation pending against the petitioner.

29 (f) The board may, in its discretion, deny without hearing or
30 argument any petition that is filed pursuant to this section within
31 a period of two years from the effective date of a prior decision
32 following a hearing under this section.

33 (g) Judicial review of the board's decision following a hearing
34 under this section may be sought by way of a petition for writ of
35 administrative mandamus pursuant to Section 1094.5 of the Code
36 of Civil Procedure. The party seeking to overturn the board's
37 decision shall have the burden of proof in any mandamus
38 proceeding. In the mandamus proceeding, if it is alleged that there
39 has been an abuse of discretion because the board's findings are
40 not supported by the evidence, abuse of discretion is established

1 if the court determines that the findings are not supported by
2 substantial evidence in light of the whole record.

3 (h) The following definitions shall apply for purposes of this
4 section:

5 (1) “Certificate” includes a certificate of registration or license
6 as a professional geologist or professional geophysicist or
7 certification as a geologist-in-training.

8 (2) “Petitioner” means a professional geologist or professional
9 geophysicist or a geologist-in-training whose certificate has been
10 revoked, suspended, or surrendered or placed on probation.

11 ~~SEC. 16.~~

12 *SEC. 15.* Section 8725.1 is added to the Business and
13 Professions Code, to read:

14 8725.1. It is the intent of the Legislature that the ~~registration~~
15 *licensure* requirements that are imposed upon private sector
16 professional land surveyors and land surveying partnerships, firms,
17 or corporations shall be imposed upon the state and any city,
18 county, ~~and city and county~~ *county, district, and special district*
19 that shall adhere to those requirements. Therefore, for the purposes
20 of Section 8725 and this chapter, at least one person authorized to
21 practice land surveying shall be designated the person in
22 responsible charge of professional land surveying work practiced
23 in any department or agency of the state, city, county, city and
24 county, district, or special district.

25 ~~SEC. 17.~~

26 *SEC. 16.* Section 8771 of the Business and Professions Code
27 is amended to read:

28 8771. (a) Monuments set shall be sufficient in number and
29 durability and efficiently placed so as not to be readily disturbed,
30 ~~to assure~~ *ensure*, together with monuments already existing, the
31 perpetuation or facile reestablishment of any point or line of the
32 survey.

33 (b) When monuments exist that control the location of
34 subdivisions, tracts, boundaries, roads, streets, or highways, or
35 provide horizontal or vertical survey control, the monuments shall
36 be located and referenced by or under the direction of a licensed
37 land surveyor or registered civil engineer prior to the time when
38 any streets, highways, other rights-of-way, or easements are
39 improved, constructed, reconstructed, maintained, resurfaced, or

1 relocated, and a corner record or record of survey of the references
2 shall be filed with the county surveyor.

3 (c) A permanent monument shall be reset in the surface of the
4 new construction or a witness monument or monuments set to
5 perpetuate the location if any monument could be destroyed,
6 damaged, covered, disturbed, or otherwise obliterated, and a corner
7 record or record of survey shall be filed with the county surveyor
8 prior to the recording of a certificate of completion for the project.
9 Sufficient controlling monuments shall be retained or replaced in
10 their original positions to enable property, right-of-way and
11 easement lines, property corners, and subdivision and tract
12 boundaries to be reestablished without devious surveys necessarily
13 originating on monuments differing from those that currently
14 control the area.

15 (d) The governmental agency performing or permitting
16 construction or maintenance work is responsible for ensuring that
17 either the governmental agency or landowner performing the
18 construction or maintenance work provides for monument
19 perpetuation required by this section.

20 (e) It shall be the duty of every *licensed* land surveyor or
21 *licensed* civil engineer *legally authorized to practice land surveying*
22 to assist the governmental agency in matters of maps, field notes,
23 and other pertinent records. Monuments set to mark the limiting
24 lines of highways, roads, streets or right-of-way or easement lines
25 shall not be deemed adequate for this purpose, unless specifically
26 noted on the corner record or record of survey of the improvement
27 works with direct ties in bearing or azimuth and distance between
28 these and other monuments of record.

29 (f) The decision to file either ~~the required~~ a corner record or a
30 record of survey ~~pursuant to as required by~~ subdivision (b) or (c)
31 shall be at the election of the licensed land surveyor or ~~registered~~
32 *the licensed* civil engineer *legally authorized to practice land*
33 *surveying* submitting the document.

34 ~~SEC. 18.~~

35 *SEC. 17.* Section 17901 of the Business and Professions Code
36 is amended to read:

37 17901. As used in this chapter, “general partner” means:

38 (a) In the case of a partnership, a general partner, as defined in
39 Section 15901.02 of the Corporations Code.

(b) In the case of an unincorporated association other than a partnership, a person interested in the business of the association whose liability with respect to the association is substantially the same as that of a general partner, as defined in Section 15901.02 of the Corporations Code.

~~SEC. 19.~~

SEC. 18. Section 17913 of the Business and Professions Code is amended to read:

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business as

* _____

at ** _____:

*** _____

This business is conducted by **** _____

The registrant commenced to transact business under the fictitious business name or names listed above on

***** _____

I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)

Registrant signature _____

Statement filed with the County Clerk of ____ County on _____

NOTICE—IN ACCORDANCE WITH SUBDIVISION (a) OF SECTION 17920, A FICTITIOUS NAME STATEMENT GENERALLY EXPIRES AT THE END OF FIVE YEARS FROM THE DATE ON WHICH IT WAS FILED IN THE OFFICE OF THE COUNTY CLERK, EXCEPT, AS PROVIDED IN SUBDIVISION (b) OF SECTION 17920, WHERE IT EXPIRES 40 DAYS AFTER ANY CHANGE IN THE FACTS SET FORTH IN THE STATEMENT PURSUANT TO SECTION 17913

1 OTHER THAN A CHANGE IN THE RESIDENCE ADDRESS
2 OF A REGISTERED OWNER. A NEW FICTITIOUS BUSINESS
3 NAME STATEMENT MUST BE FILED BEFORE THE
4 EXPIRATION.

5 THE FILING OF THIS STATEMENT DOES NOT OF ITSELF
6 AUTHORIZE THE USE IN THIS STATE OF A FICTITIOUS
7 BUSINESS NAME IN VIOLATION OF THE RIGHTS OF
8 ANOTHER UNDER FEDERAL, STATE, OR COMMON LAW
9 (SEE SECTION 14411 ET SEQ., BUSINESS AND
10 PROFESSIONS CODE).

11
12 (b) The fictitious business name statement shall contain the
13 following information set forth in the manner indicated in the form
14 provided by subdivision (a):

15 (1) Where the asterisk (*) appears in the form, insert the
16 fictitious business name or names. Only those businesses operated
17 at the same address and under the same ownership may be listed
18 on one fictitious business name statement.

19 (2) Where the two asterisks (**) appear in the form: If the
20 registrant has a place of business in this state, insert the street
21 address, and county, of his or her principal place of business in
22 this state. If the registrant has no place of business in this state,
23 insert the street address, and county, of his or her principal place
24 of business outside this state.

25 (3) Where the three asterisks (***) appear in the form: If the
26 registrant is an individual, insert his or her full name and residence
27 address. If the registrants are a married couple, insert the full name
28 and residence address of both parties to the marriage. If the
29 registrant is a general partnership, copartnership, joint venture, or
30 limited liability partnership, insert the full name and residence
31 address of each general partner. If the registrant is a limited
32 partnership, insert the full name and residence address of each
33 general partner. If the registrant is a limited liability company,
34 insert the name and address of the limited liability company, as
35 set out in its articles of organization on file with the California
36 Secretary of State, and the state of organization. If the registrant
37 is a trust, insert the full name and residence address of each trustee.
38 If the registrant is a corporation, insert the name and address of
39 the corporation, as set out in its articles of incorporation on file
40 with the California Secretary of State, and the state of

1 incorporation. If the registrants are state or local registered
2 domestic partners, insert the full name and residence address of
3 each domestic partner. If the registrant is an unincorporated
4 association other than a partnership, insert the name of each person
5 who is interested in the business of the association and whose
6 liability with respect to the association is substantially the same
7 as that of a general partner.

8 (4) Where the four asterisks (****) appear in the form, insert
9 whichever of the following best describes the nature of the
10 business: (i) “an individual,” (ii) “a general partnership,” (iii) “a
11 limited partnership,” (iv) “a limited liability company,” (v) “an
12 unincorporated association other than a partnership,” (vi) “a
13 corporation,” (vii) “a trust,” (viii) “copartners,” (ix) “a married
14 couple,” (x) “joint venture,” (xi) “state or local registered domestic
15 partners,” or (xii) “a limited liability partnership.”

16 (5) Where the five asterisks (*****) appear in the form, insert
17 the date on which the registrant first commenced to transact
18 business under the fictitious business name or names listed, if
19 already transacting business under that name or names. If the
20 registrant has not yet commenced to transact business under the
21 fictitious business name or names listed, insert the statement, “Not
22 applicable.”

23 (c) The registrant shall declare that all of the information in the
24 fictitious business statement is true and correct. A registrant who
25 declares as true any material matter pursuant to this section that
26 the registrant knows to be false is guilty of a misdemeanor
27 punishable by a fine not to exceed one thousand dollars (\$1,000).

28 (d) (1) At the time of filing of the fictitious business name
29 statement, the registrant filing on behalf of the registrant shall
30 present personal identification in the form of a California driver’s
31 license or other government identification acceptable to the county
32 clerk to adequately determine the identity of the registrant filing
33 on behalf of the registrant as provided in subdivision (e) and the
34 county clerk may require the registrant to complete and sign an
35 affidavit of identity.

36 (2) In the case of a registrant utilizing an agent for submission
37 of the registrant’s fictitious business name statement for filing, at
38 the time of filing of the fictitious business name statement, the
39 agent filing on behalf of the registrant shall present personal
40 identification in the form of a California driver’s license or other

1 government identification acceptable to the county clerk to
2 adequately determine the identity of the agent filing on behalf of
3 the registrant as provided in subdivision (e). The county clerk may
4 also require the agent to submit a notarized statement signed by
5 the registrant declaring the registrant has authorized the agent to
6 submit the filing on behalf of the registrant.

7 (e) If the registrant is a corporation, a limited liability company,
8 a limited partnership, or a limited liability partnership, the county
9 clerk may require documentary evidence issued by the Secretary
10 of State and deemed acceptable by the county clerk, indicating the
11 current existence and good standing of that business entity to be
12 attached to a completed and notarized affidavit of identity, for
13 purposes of subdivision (d).

14 (f) The county clerk may require a registrant that mails a
15 fictitious business name statement to a county clerk's office for
16 filing to submit a completed and notarized affidavit of identity. A
17 registrant that is a corporation, limited liability company, limited
18 partnership, or limited liability partnership, if required by the
19 county clerk to submit an affidavit of identity, shall also submit
20 documentary evidence issued by the Secretary of State indicating
21 the current existence and good standing of that business entity.

22 (g) A county clerk that chooses to establish procedures pursuant
23 to this section shall prescribe the form of affidavit of identity for
24 filing by a registrant in that county.

25 ~~SEC. 20.~~

26 *SEC. 19.* Section 17914 of the Business and Professions Code
27 is amended to read:

28 17914. The fictitious business name statement shall be signed
29 as follows:

30 (a) If the registrant is an individual, by the individual.

31 (b) If the registrants are a married couple, by either party to the
32 marriage.

33 (c) If the registrant is a general partnership, limited partnership,
34 limited liability partnership, copartnership, joint venture, or
35 unincorporated association other than a partnership, by a general
36 partner.

37 (d) If the registrant is a limited liability company, by a manager
38 or officer.

39 (e) If the registrant is a trust, by a trustee.

40 (f) If the registrant is a corporation, by an officer.

1 (g) If the registrant is a state or local registered domestic
2 partnership, by one of the domestic partners.

3 ~~SEC. 21.~~

4 *SEC. 20.* Section 17916 of the Business and Professions Code
5 is amended to read:

6 17916. Presentation for filing of an original fictitious business
7 name statement and one copy of the statement, with proper
8 identification, accompanied by a completed and notarized affidavit
9 of identity, if required by the county clerk, and other documents
10 required in accordance with Section 17913, payment of the filing
11 fee, and acceptance of the statement by the county clerk constitute
12 filing under this chapter. The county clerk shall note on the copy
13 the file number, the date of filing the original, and the date of
14 expiration and shall certify and deliver the copy to the registrant
15 or the registrant's agent.

16 ~~SEC. 22.~~

17 *SEC. 21.* Section 22454 of the Business and Professions Code
18 is amended to read:

19 22454. (a) At least one person involved in the management
20 of a professional photocopier shall be required to hold a current
21 commission from the Secretary of State as a notary public in this
22 state. If the notary commission is held by someone other than the
23 registrant, written confirmation from the notary authorizing the
24 use of their commission for this registration is required.

25 (b) *The professional photocopier shall maintain a valid* notary
26 ~~commission shall remain valid~~ during the ~~two-year~~ *entire* period
27 that the professional photocopier's certificate of registration is
28 effective. The registrant shall notify the county clerk and provide
29 an updated valid notary commission if the commission expires
30 prior to the expiration of the certificate of registration.

31 ~~SEC. 23.~~

32 *SEC. 22.* No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution for certain
34 costs that may be incurred by a local agency or school district
35 because, in that regard, this act creates a new crime or infraction,
36 eliminates a crime or infraction, or changes the penalty for a crime
37 or infraction, within the meaning of Section 17556 of the
38 Government Code, or changes the definition of a crime within the
39 meaning of Section 6 of Article XIII B of the California
40 Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

O